



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

June 16, 2017

Mr. Michael Morisy
MuckRock News
P.O. Box 55819
Boston, MA 02205-5819
14128-63637337@requests.muckrock.com

Re: AG/15-04603 (F)
VRB:LAD:ND

Dear Mr. Morisy:

This is a final response to your Freedom of Information Act (FOIA) request dated July 8, 2015, and received in this Office on July 10, 2015, in which you requested communications between the Department and former Attorney General Eric Holder pertaining to Edward Snowden, as well as documents created as Department talking points or press material generated in connection with former Attorney General Holder's remarks concerning Mr. Snowden, since June 20, 2015. This response is made on behalf of the Office of the Attorney General (OAG).

In our interim response dated May 26, 2016, we advised you that we were continuing to search for responsive records on behalf of OAG. Our search is now complete, and six pages were located that contain records responsive to your request. I have determined this material is appropriate for release with excisions made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6), and copies are enclosed. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. For your information, the withheld material consists of personal contact information.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2015) (amended 2016). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal at <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked Freedom of Information Act Appeal.

Sincerely,



Vanessa R. Brinkmann
Senior Counsel

Enclosures

Newman, Melanie (OPA)

From: Newman, Melanie (OPA)
Sent: Tuesday, July 07, 2015 4:56 PM
To: Werner, Sharon (OAG); Cheung, Denise (OAG); Phillips, Channing D. (OAG); Franklin, Shirlethia (OAG); Herwig, Paige (OAG)
Cc: Lewis, Kevin S. (OPA); Pierce, Emily (OPA)
Subject: Holder in Huffington Post

Please see below two articles that posted on Huffington Post today – one on Snowden comments, the other on the Charleston case.

Eric Holder: Edward Snowden Could Have Sparked 'Useful' Debate By Taking NSA Concerns To Congress

Posted: 07/07/2015 12:24 pm EDT Updated: 49 minutes ago



WASHINGTON -- Former NSA contractor Edward Snowden could have spurred a "useful" and necessary debate about government data collection if he had taken his concerns to members of Congress instead of giving documents to journalists, former Attorney General [Eric Holder](#) told The Huffington Post on Tuesday.

Holder said in an [interview](#) with Yahoo's Michael Isikoff earlier this week that Snowden's disclosures had resulted in a "necessary debate" about the government's bulk data collection. On Tuesday, Holder told The Huffington Post that he believes the same discussion could have taken place if Snowden had taken his concerns to lawmakers.

"Yeah, I do," Holder said when asked whether this debate could have occurred without Snowden's public disclosures. "If Snowden, for instance, had gone to certain members of the Senate Intelligence Committee and made disclosure to them, that debate could have occurred in a way that was less harmful to the interests of the United States."

Holder declined to specify which senators he believes would have been open to hearing Snowden's concerns, but said it was "kind of obvious" who those might be. The former attorney general also said he was "not sure" whether he would call Snowden a whistleblower.

"I think the manner in which he made the disclosures has proven to be extremely harmful to the United States, but at the same time as I acknowledged in the interviews I did, a debate has been spurred in our country that I think at the end of the day has been a useful one and resulted in appropriate changes to the way in which we gather information," Holder said.

Jameel Jaffer, the deputy legal director of the American Civil Liberties Union, in June called the [passage](#) of the USA Freedom Act -- which brought some reforms to the government's bulk data collection programs -- a "milestone" and a "testament to the significance of the Snowden disclosures."

Holder, who this week [returned](#) to Covington & Burling -- the law firm where he worked before he became attorney general -- also reiterated his belief that it would be possible for the Justice Department to work out some sort of plea deal with Snowden's legal team that would bring him back to the United States to face charges.

"I think there is an appropriate way to resolve the matter which could prove to be satisfactory to both sides," Holder said. "The question is whether or not there's going to be the willingness on the part of Snowden and his people to engage."

[Jesselyn Radack](#), an attorney for Snowden, called Holder's comments disingenuous. She told HuffPost that before Snowden made his disclosures, she took four other NSA whistleblowers to speak with congressional committees about domestic surveillance issues. The discussions, she said, included information that overlapped with Snowden's revelations.

"They did absolutely nothing," Radack said of the lawmakers.

"Before Snowden, I don't think Congress would have done anything -- I know Congress wouldn't have done anything -- because they didn't. Nor did any of the other supposed channels that are set up for this," Radack said.

"I'm glad that Holder is recognizing and acknowledging Snowden for creating a positive change and a badly needed debate, and that's good," she continued. "It's just easy for him to say that after leaving the Justice Department, where he presided over the most draconian crackdown on whistleblowers in U.S. history."

Radack also declined to comment about discussions with the government, saying it would not be appropriate for either the Justice Department or Snowden's legal team to speak publicly about the plea negotiations.

This story has been updated to include comment from Jesselyn Radack.

Eric Holder: 'Act Of Terrorism' In Charleston Should Serve As A 'Wake-Up Call'

Posted: 07/07/2015 2:36 pm EDT Updated: 35 minutes ago

WASHINGTON -- The killing of nine members of a historic black church in Charleston, South Carolina, by a white supremacist was "clearly an act of terrorism" that should serve as a "wake-up call" to the American public about the domestic terror threat, former Attorney General Eric Holder told The Huffington Post on Tuesday.

Holder said that based on what we know about 21-year-old Dylann Roof, who allegedly [confessed](#) to shooting and killing the members during a Bible study at the Emanuel African Methodist Episcopal Church on June 17, the incident should be considered terrorism.

"We have a young man who apparently becomes radicalized as the result of an incident and becomes more radicalized as a result of what he sees on the Internet, through the use of his computer, then goes and does something, that by his own words apparently is a political/violent act," Holder said. "With a different set of circumstances, and if you had dialed in religion there, Islam, that would be called an act of terror. It seems to me that, again on the basis of the information that has been released, that's what we have here. An act of terror."

Roof has already been charged with nine counts of murder by authorities in South Carolina, and federal authorities are also investigating. Federal prosecutors could bring hate crimes charges, as South Carolina is one of the few states that doesn't have such laws on the books, and are also treating the shooting as a potential ["act of domestic terrorism."](#)

Holder, who stepped down earlier this year after the confirmation of Attorney General Loretta Lynch and this week [joined](#) the law firm of Covington & Burling, said that domestic terrorism was one of his "primary concerns" as the nation's top law enforcement official.

Holder said he was always worried about a "self-radicalized lone wolf with access to guns" doing something horrific, and said law enforcement agencies like the FBI and the Department of Homeland Security were "very sensitive to the domestic threat that we have to confront," and took actions that "people are not generally aware of."

He said the American public, however, wasn't as willing to consider the threat of homegrown extremists, who have [killed more people than jihadists within the U.S. since Sept. 11.](#)

"I think as a nation, we as a people have not focused on the domestic threat. We have thought that the threat is from without, and that the threat to the extent that it exists within the nation is only based on ideologies that come from outside of the United States," Holder said.

"I think that the Charleston incident is a wake-up call," Holder continued. "It is a wake-up call for the American people to understand that the hate that has bedeviled this nation almost since its inception continues to be an active and negative force."

Melanie R. Newman
Director, Office of Public Affairs
U.S. Department of Justice

Direct: (b) (6)
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@MelanieDOJ

Newman, Melanie (OPA)

From: Newman, Melanie (OPA)
Sent: Monday, July 06, 2015 4:13 PM
To: Werner, Sharon (OAG)
Cc: Cheung, Denise (OAG); Franklin, Shirlethia (OAG); Lewis, Kevin S. (OPA); Pierce, Emily (OPA); Raimondi, Marc (OPA)
Subject: Re: Holder on Snowden

<https://www.yahoo.com/politics/eric-holder-the-justice-department-could-strike-123393663066.html>

On Jul 6, 2015, at 1:16 PM, Werner, Sharon (OAG) <SWerner@jmd.usdoj.gov> wrote:

Same here. Thanks.

On Jul 6, 2015, at 1:09 PM, Cheung, Denise (OAG) <dcheung@jmd.usdoj.gov> wrote:

That seems fine to me. Thanks.

From: Newman, Melanie (OPA)
Sent: Monday, July 06, 2015 12:49 PM
To: Werner, Sharon (OAG); Cheung, Denise (OAG); Franklin, Shirlethia (OAG)
Cc: Lewis, Kevin S. (OPA); Pierce, Emily (OPA); Raimondi, Marc (OPA)
Subject: RE: Holder on Snowden

Also +Marc.

From: Newman, Melanie (OPA)
Sent: Monday, July 06, 2015 12:38 PM
To: Werner, Sharon (OAG); Cheung, Denise (OAG); Franklin, Shirlethia (OAG)
Cc: Lewis, Kevin S. (OPA); Pierce, Emily (OPA)
Subject: FW: Holder on Snowden

Flagging that AG Holder is doing multiple interviews today and we've begun to get incoming on them.

If all agree, I can provide the following statement from me:

"This is an ongoing case so I am not going to get into specific details but I can say our position regarding bringing Edward Snowden back to the United States to face charges has not changed."

From: Michael Isikoff [<mailto:misikoff@yahoo-inc.com>]
Sent: Monday, July 06, 2015 12:29 PM
To: Newman, Melanie (OPA)
Subject: Holder on Snowden

Melanie--

Good talking. Just to reiterate, Holder- when I asked him about a deal with Snowden-- said: "I certainly think there could be a basis for a resolution that everybody could ultimately be satisfied with... I think the possibility exists."

Any commit from DOJ- or guidance on background -- much appreciated.

Mike Isikoff

Yahoo News

c (b) (6)